

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT TACOMA

COLLEEN KING,

Plaintiff,

vs.

WAL-MART STORES, INC., a foreign
corporation,

Defendant.

NO. _____

NOTICE OF REMOVAL

(FROM THE SUPERIOR COURT OF
THE STATE OF WASHINGTON FOR
PIERCE COUNTY, CAUSE NO. 17-2-
08941-4

CLERK'S ACTION REQUIRED

TO: The Judges and Clerk of the United States District Court in and for the Western
District of Washington at

AND TO: Colleen King and her Counsel

Defendant Wal-Mart Stores, Inc. ("Wal-Mart") hereby gives notice that this action is
removed to the United States District Court for the Western District of Washington at Tacoma
from the Superior Court of Washington, in and for Pierce County. Pursuant to 28 U.S.C.
§ 1441, Wal-Mart further states as follows:

1. Intradistrict Assignment: This matter is being removed to the Western
District, Tacoma Division because, per LCR 3(d) and plaintiff's Complaint, the claim(s) arose

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1 in Pierce County, Washington. Plaintiff's Complaint was filed in Pierce County Superior
2 Court.

3 **2. State Court Action:** Wal-Mart is a defendant in a civil action filed in the
4 Superior Court of Washington, in and for Pierce County, styled *Colleen King v. Wal-Mart*
5 *Stores, Inc.*, Pierce County Superior Court Cause No. 17-2-08941-4 (the "State Court Action").

6 **3. Commencement of State Court Action:** The State Court Action was
7 commenced when plaintiff's Summons and Complaint were filed with the clerk of the Pierce
8 County Superior Court, on or about June 23, 2017. A true and correct copy of the Summons
9 and Complaint are attached hereto as **Exhibit 1**. Plaintiff served the Summons and Complaint
10 on Wal-Mart's registered agent in the state of Washington, CT Corporation, on June 27, 2017.
11 A true and correct copy of CT Corporation's Service of Process Transmittal is attached as
12 **Exhibit 2**. This Notice of Removal is timely in that it is being filed within thirty (30) days of
13 service of the Complaint upon Wal-Mart. 28 U.S.C. §§ 1441 and 1446.

14 **4. Record in State Court:** The following pleadings constitute all of the process,
15 pleadings and orders received by Wal-Mart in this action up to the present time:

- 16 • Summons filed on June 23, 2017;
- 17 • Complaint filed on June 23, 2017;
- 18 • Notice of Appearance by Laura E. Kruse, Steve Goldstein, and Mark W. Tyson,
19 filed on June 30, 2017.

20 True and correct copies of the above pleadings are attached to the Declaration of Laura
21 E. Kruse Regarding Records and Proceedings in State Court and Verifying Corporate
22 Citizenship as Exhibits A – C, filed concurrently herewith.

23 The following pleadings are also being filed in the State Court, on or about July 25,
24 2017:

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- Notice of Filing Notice of Removal, with this Notice of Removal and its exhibits attached as Exhibit A and the Notice of Removal to Plaintiff without its exhibit (to avoid duplication) attached as Exhibit B. A true and correct copy of the Notice of Filing Notice of Removal is attached as **Exhibit 3** (without exhibits A and B attached).
- Notice of Removal to Plaintiff with the Notice of Removal attached as an exhibit, is attached as **Exhibit 4** (without exhibit A attached).

Pursuant to 28 U.S.C. § 1446, true and complete copies of all process, pleadings and orders served on Wal-Mart or filed in the State Court are attached hereto.

5. Diversity of Citizenship is Basis for Federal Court Jurisdiction: This dispute between plaintiff and Wal-Mart is a controversy between citizens of different states. Complete diversity exists between plaintiff and Wal-Mart.

a. Plaintiff is, and at all times material hereto was, a resident of Pierce County, Washington and is therefore a citizen of the state of Washington. **Ex. 1** at ¶ 1.1.

b. Wal-Mart is, and at all material times has been, incorporated under the laws of the state of Delaware, with its principal place of business in Bentonville, Benton County, Arkansas. Thus, for jurisdictional purposes, Wal-Mart is and has been a citizen of the states of Arkansas and Delaware. **Ex. 1** at ¶ 1.2; *see also* Declaration of Laura E. Kruse Regarding Records and Proceedings in State Court and Verifying Corporate Citizenship.

6. Nature and Description of Case: The above-entitled action is a civil action seeking damages for alleged age discrimination, disability discrimination, failure to accommodate, retaliation in violation of RCW 49.60, outrage, negligent infliction of emotional distress, wrongful termination in violation of public policy, and breach of contract.

7. Amount in Controversy: The amount in controversy is not expressly set forth in plaintiff's Complaint. However, plaintiff has previously made a settlement demand of

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1 \$250,000. Kruse Decl. Consequently, the amount in controversy clearly exceeds the
2 jurisdictional minimum of \$75,000.

3 **8. Applicable Statutes:** This is a civil action over which this Court has original
4 jurisdiction pursuant to 28 U.S.C. § 1332, and the action is removable pursuant to 28 U.S.C.
5 § 1441(b). This case is properly removed to this Court pursuant to 28 U.S.C. § 1441 because
6 this Court has jurisdiction over this action and because Wal-Mart has satisfied the procedural
7 requirements for removal set forth in 28 U.S.C. § 1446.

8 **9. Concurrent Notice to State Court:** Wal-Mart is filing a copy of this Notice of
9 Removal as an exhibit to its Notice of Filing of Notice of Removal with the Clerk of the Pierce
10 County Superior Court, on or about July 25, 2017, pursuant to 28 U.S.C. § 1446(d). The state
11 court has notice of this removal. See Ex. 3 attached hereto.

12 **10. Notice to Plaintiff:** Wal-Mart is filing a Notice of Removal to Plaintiff in the
13 Pierce County Superior Court, with this Notice of Removal attached as an exhibit, on or about
14 July 25, 2017. A true and correct copy of the Notice of Removal to Plaintiff without exhibits is
15 attached as Exhibit 4. Wal-Mart has complied with 28 U.S.C. § 1146(d).

16 Defendant Wal-Mart respectfully removes the above-described matter from the
17 Superior Court for the State of Washington in and for Pierce County to this Court.
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1 DATED this 25th day of July 2017.

2 BETTS, PATTERSON & MINES, P.S.

3
4 By /s/ Laura E. Kruse

5 By /s/ Steven Goldstein

6 By /s/ Mark Tyson

Laura E. Kruse, WSBA #32947

Steven Goldstein, WSBA #11042

Mark Tyson, WSBA #47185

7 Betts, Patterson & Mines, P.S.

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10 Telephone: (206) 292-9988

11 Facsimile: (206) 343-7053

12 E-mail: lkruse@bpmlaw.com

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13 E-mail: mtyson@bpmlaw.com

14 Attorneys for Defendant Wal-Mart Stores, Inc.

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CERTIFICATE OF SERVICE

I, Susan Ferrell, hereby certify that on July 25, 2017, I electronically filed the following:

- **Notice of Removal; and**
- **Certificate of Service.**

with the Court using the CM/ECF system which will send notification of such filing to the following:

Counsel for Plaintiff

Vanessa Vanderbrug
James M. Owen
Owen Law Group, PLLC
1001 4th Ave Ste 3200
Seattle, WA 98154

DATED this 25th day of July 2017.

s/ Susan Ferrell

Susan Ferrell, Legal Assistant
Betts, Patterson & Mines, P.S.
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